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Attorneys for Plaintiff, SCOTT KOLLER

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SCOTT KOLLER, an individual, on behalf
of himself, the general public and those
similarly situated,

Plaintiff,

v.

DEOLEO USA, INC.; and MED FOODS,
INC.,

Defendants.

CASE NO. 3:14-cv-02400-RS

ORDER

**STIPULATION TO EXTEND BRIEFING
SCHEDULE AND HEARING DATE ON
PLAINTIFF'S MOTION FOR CLASS
CERTIFICATION**

1 **WHEREAS**, on October 29, 2015 Plaintiff Scott Koller (“Plaintiff”) filed his Motion for
2 Class Certification (Dkt. Nos. 61-62), and further briefing was not completed as the case was
3 stayed on December 14, 2015 (Dkt. No. 79);

4 **WHEREAS**, on January 19, 2017, this Court lifted the stay (Dkt. No. 90);

5 **WHEREAS**, on January 20, 2017, Plaintiff filed his Renewed Notice of Motion for Class
6 Certification (Dkt. No. 93);

7 **WHEREAS**, Defendant’s current deadline to respond is set for February 3, 2017 and
8 Plaintiffs’ reply in support of his Motion for Class Certification is currently due February 10,
9 2017;

10 **WHEREAS**, the hearing on Plaintiff’s motion for class certification is currently set for
11 March 2, 2017 at 1:30 p.m.;

12 **WHEREAS**, the parties need additional time to complete their briefs and conduct any
13 relevant depositions;

14 **WHEREAS**, Defendants shall make their expert witnesses available for deposition no
15 later than March 17, 2017 unless otherwise agreed by Plaintiffs’ counsel;

16 **WHEREAS**, Defendants agree not to seek further continuance of this schedule for any
17 reason, including, but not limited to, reasons stemming from the dispute over the letter of request
18 to Wagga Wagga Agricultural Institute, inability to complete discovery from Plaintiff and/or his
19 experts, unavailability of witnesses, and unavailability of counsel;

20 **WHEREAS**, pursuant to Local Civil Rule 6-1(b), a Court order is necessary to extend the
21 briefing schedule;

22 **WHEREAS**, the postponement will not impact any other scheduled dates;

23 **WHEREAS**, no other time modifications have been requested since the Court lifted the
24 stay;

25 **NOW, THEREFORE, IT IS STIPULATED**, by and between the undersigned parties,
26 through their respective counsel of record, pursuant to Rule 6 and Local Civil Rules 6-1(b) and
27 2(a), as follows:
28

Defendant's Opposition

March 2, 2017

Plaintiff's Reply

March 30, 2017

Hearing Date

April 13, 2017 at 1:30 p.m.

STIPULATED AND AGREED:

Dated: February 1, 2017

/s/ Kristen G. Simplicio

Adam J. Gutride

Seth A. Safier

Kristen G. Simplicio

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Attorneys for Plaintiff

Dated: February 1, 2017

/s/ Stephanie A. Stroup

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Attorneys for Deoleo USA, Inc. (f/k/a Med Foods,
Inc.)

Pursuant to Local Civil Rule 6-2(a), and **GOOD CAUSE APPEARING THEREFOR**,
the stipulated briefing schedule set forth above is hereby adopted.

IT IS SO ORDERED.

DATED: 2/1/17



THE HONORABLE RICHARD SEEBORG
UNITED STATES DISTRICT JUDGE